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rattles varies much ; the largest I ever saw was twenty-one, all of which were perfect." — p. 85.

To such as involuntarily shudder at the mere mention of a snake, a single remark of our author cannot be useless, as showing the folly of cherishing such aversions ; speaking of the *Coluber æstivus*, he says,

" This beautiful snake is perfectly harmless and gentle, easily domesticated, and takes readily its food from the hand. I have seen it carried in the pocket, or twisted round the arm or neck as a plaything, without once evincing any disposition to mischief." — p. 120.

Besides the species we have thus cursorily referred to, the *Elaps fulvius*, *Heterodon platirhinos*, *Scincus erythrocephalus*, *Heterodon niger*, *Coluber fasciatus*, *guttatus*, *punctatus*, and *æstivus*, as well as two new species, the *Coluber taxipilotus* and *elapsoïdes*, are included in this volume. We repeat, that the work is a real acquisition to the natural history of the country. The minute accuracy of detail in description, exhibited on every page, together with the constant endeavour to ascertain the geographical limits of the species, and to collect all attainable facts with regard to their habits, will establish the scientific reputation of our author upon an enviable basis. We look with eagerness for the appearance of the succeeding volumes.

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- ART. VI. — 1. *Memoirs of Aaron Burr, with Miscellaneous Selections from his Correspondence*. By MATTHEW L. DAVIS. New York : Harper & Brothers. 2 vols. 8vo.
2. *The Private Journal of AARON BURR, during his Residence of Four Years in Europe, with Selections from his Correspondence*. Edited by MATTHEW L. DAVIS. New York : Harper & Brothers. 2 vols. 8vo.

WE know of no reason why a biography should necessarily be a eulogy, though in most cases it is made so. Neither are we certain, that the history of a bad man, judiciously written, would not be more useful to the world, than that of a good one indiscriminately praised. The "Newgate Calendar" is an interesting book, notwithstanding its very coarse delineation of character, and its general substitution of wretched

cant for the tone of true moral reflection. It exhibits the human species under an aspect not very agreeable, it must be confessed, but still, under one which it is daily and hourly assuming ; perfect ignorance of which can be indulged in by no person, without leading him to very one-sided judgments of the virtues as well as of the vices of his kind. We must form a distinct idea of the depth to which man may be degraded by the indulgence of his evil passions, before we can fully estimate the height to which a victory over them raises him. It is the spirit in which the life of any distinguished individual is written, far more than the bare record of what he did, which should be regarded as the valuable portion of biography. There are no perfect heroes out of the regions of romance. When we see men described as such in books professing to speak of them as they really were, we know at once that the record is not and cannot be true. There is somewhere falsification or suppression, innocent, good-natured, or artful, which, however it may adorn the object for whom it is used, spoils the book for the rest of the world. We can claim kindred only with flesh and blood like ourselves ; with those who are described as subject to appetites, to passions, and to impulses, good or bad, of the same kind with those which we feel to be working in us. We go to the history of the great good and great bad men who have lived before us, in order to find out what made them good and bad, and to observe and analyze the parts which went to the formation of their several characters, the connecting links which knit thoughts and words and deeds into the grand chain of human action. In order to draw benefit from the study, it is entirely indifferent whether the subjects presented are of that description in which virtuous principles have predominated or otherwise, provided both kinds are examined, and the truth has been told about them with simplicity. The varnish of defective morality is worse than the daubing of extravagant flattery, because it is more likely to deceive. And young minds, which have not yet arrived at the power of full discrimination in moral questions, are more likely to be misled by sophistical explanations of men's actions, which assume obvious and natural motives for their groundwork, than by the free use of superlative attributes, which their common sense dictates to them at once to disregard, because not resting upon truth.

We are not very sure, that Mr. Davis will come up to

the mark which we have fixed for a biographer. He certainly does not praise his hero unduly ; but we are clear, that he does not censure him as he ought. Perhaps we hardly ourselves understand the spirit of his epigraph, through which he appears to have intended to convey an idea of his design. Shakspeare had not probably done much in the way of rhetoric and oratory as a study ; but he knew man ; and, when he presented Mark Antony, as addressing the Roman citizens over the body of the murdered Cæsar, he put into his mouth not such words as perhaps he would have thought the most proper to be said, but such as suited the supposed design of the individual who was to use them. He makes him a hypocrite and a villain, but not talking as if he was either. His apparent design, in commencing his harangue, is to calm their passions ; his real one, to unsettle their judgment, and to cloud their reason, which had condemned the ambition of his chief. He recalls to their minds Cæsar's kind feelings to them, notwithstanding that he begins by saying, as Mr. Davis has quoted,

“ I come to bury Cæsar, not to praise him.”

And throughout the speech of fair seeming, we gather only by natural implication the real and foul truth at the bottom of it, that Antony, burning with rancorous feelings against the persons who had destroyed the patron of his fortunes, was using the body of that patron as an instrument by which he might utterly overthrow and destroy them, and upon their ruin establish himself.

Now we do not mean to insinuate, that Mr. Davis had the sense of the whole speech in his mind, when he took the extract from it to adorn his title-page. Nor do we in truth suppose, that he designed to signify any more by it than a wish to be absolved from the ordinary obligations of eulogy, which are generally supposed to weigh upon every biographer. Yet, even in this view of the case, we think he has been injudicious. Nobody would have found fault with him for praising Mr. Burr too little, whereas many would, as they do, condemn his half-way and inefficient censure. The choice of his quotation is unlucky in this, that it unavoidably associates with his work the commencement of a hypocrite's oration as the symbolical representation of its general character. Not that this is really the proper idea to be had of the book. Far from it. But it will be that entertained by the many, who never go beyond title-pages. We propose to ex-

amine with freedom what we think the grievous faults of the works before us ; but we shall never find in them faults of simulation, nor consider their author a hypocrite. Mr. Davis, to our eyes, fails to paint Aaron Burr in his true colors ; but he does not use wrong ones. His picture wants tone and depth, as the artists say, to make it true and lasting. The reason of the deficiency, not perhaps suspected by the author himself, is yet obvious enough to any other person. The hero and his biographer sympathized personally and politically through life ; the consequence of which was, that familiarity which breeds indifference to the less glaring characteristics of conduct neither moral nor patriotic, which would not have been entertained or felt by a mind more fresh in the exercise of its powers of discrimination. Perhaps no stronger illustration of this could be furnished, than by the apparently trifling circumstance of the text already quoted on the title-page. A mind differently constituted from that of our author would hardly have failed to perceive the singular unfitness of assuming the attitude of the unprincipled Antony, haranguing over the body of a man, who, however great he might have been in other respects, was certainly as unprincipled a politician as himself.

We are informed, that the " Life of Burr " has enjoyed a pretty extensive popularity ; and, so far as the author may have benefited thereby, we are glad of it. But the reading public in the United States does not appear to us likely to be benefitted at all in the same proportion ; and it is on this account, and from no ill will to the author, that we propose to treat his work. A lax custom of construing public conduct has often been considered as the fault of the people of this country. And it would go far towards establishing the truth of the charge, if those, who profess to notice and to scrutinize the character of literary works that appear among us, suffer such as this one to pass even in silence into the confidence of the community. During thirty years of the most eventful portion of our history, Aaron Burr acted no very undistinguished part in public affairs. At one moment he rose so high as nearly to touch the loftiest official seat which the people are called upon to fill ; and at another he fell so low as to become isolated among his fellow-beings. How came this great change about ? Mr. Davis tries to prove, that it was owing to persecution. We believe the cause was in the man. No

example has yet occurred in the United States, half so striking as this, of the adequate punishment, by the popular voice, of unbridled, irregular, public ambition and private profligacy ; and it is greatly to be wished, that its effect upon the aspiring youth of the future, as well as the grown-up gladiators of the present time, may not be weakened or broken by injudicious palliation, or the interposition of excessive moral obtuseness.

We mean, in the first place, to remark upon the singular inability or unwillingness of the author to call things by their right names, the effect of which in his present work often is, to describe some qualities of his hero, which deserve reprehension, exactly as if they did him honor. We need not go far for a striking example. We are told in the beginning, that Aaron Burr, when a child about four years of age, ran away from home, and was not found until the third or fourth day afterwards. Well ! what merit or propriety was there in that, unless, indeed, the boy was so cruelly treated as to be in fear of his life ? But Mr. Davis does not pretend that he had any such justification. According to him, the cause of his "departure" (that is the exact word) was "a *misunderstanding* with his preceptor." A *misunderstanding* between a child four years old, not yet versed in A, B, C, and his preceptor, who was probably pressing the said letters uncomfortably upon his attention ! What became of the boy during the two or three days of his absence, we are not informed ; but we suppose that in his case, as in that of most other wilful children, his stomach brought him to. We should, in our simplicity, have inferred from the story only that Burr was headstrong and passionate, if our author had not informed us, that "it indicated, at a tender age, that *fearlessness of mind* and determination to rely upon himself, which were characteristics stamped upon every subsequent act of his life." Verily we should never have thought it, if we had not been told so.

But to speak more in earnest, what shall be said of the moral acuteness of an author who begins a work by calling the reproof, which an instructor gives to a scholar, "an occasion of misunderstanding" between them, and the running away of the latter in a fit of passion, "a departure," and who finds, in such incidents, fearlessness of mind and a determination to self-reliance ? A little of the discipline, which, though out of fashion in the present highly advanced

condition of things, made many a useful citizen at that day, would, in our humble opinion, have gone far to correct such heroic tendencies, and, by doing so, might very possibly have saved the man from cherishing the errors of the boy. If we have any right notion of what fearlessness of mind and self-reliance are, we should go to look for them in that moral cultivation of riper years which produce the death of a Socrates, or the life of a Luther, and not in the passionate whimsies of an infant, or a boy. For it seems that the experiment of running away, already mentioned, was not the only one, that Burr made in early life. Mr. Davis shall tell us about the second in his own way.

“When about ten years old, Aaron evinced a desire to make a voyage to sea ; and, with this object in view, ran away from his uncle Edwards and came to the city of New York. He entered on board an outward bound vessel as cabin boy. He was, however, pursued by his guardian, and his place of retreat discovered. Young Burr, one day, while busily employed, perceived his uncle coming down the wharf, and immediately ran up the shrouds and clambered to the topgallant-mast head. Here he remained, and peremptorily refused to come down, or be taken down, until all the preliminaries of a treaty of peace were agreed upon. *To the doctrine of unconditional submission he never gave his assent.*” — Vol. I. p. 26.

It would have been better for him, say we, if he had. For he would not then have been the character in after life, which he proved to be. Unconditional submission to virtuous and considerate parents or guardians never injured the greatest patriots known in history, and would perhaps, in the present instance, have made Burr what he was not without it, a man of principle. But it would appear as if the grandson of Jonathan Edwards was destined to be a striking monument to after times of the abuse of the power of “the will.” And he was moreover destined to have a biographer, who would record this abuse as if it was a virtue. Who ever heard before of using the language of diplomacy in the description of the conduct of a refractory boy ? “Preliminaries of a treaty of peace,” forsooth ! Had his uncle Edwards thought as we do, the negotiation would not have been of many minutes, and would have ended by demanding a categorical answer. For when a youth is perched upon the top of a mast, we do not conceive him in the best possible

situation to dissent from the doctrine of unconditional submission. Breakfast times and dinner times will come round, and make themselves forcibly remembered by growing boys, be their fearlessness of mind and self-reliance what they may. If Burr had been allowed to pass a little time in sober reflection upon this precise view of the case, we think it would have done him good, and saved a couple of very bad paragraphs in his biography.

Nothing more need be said, we trust, to prove the justice of our principal objection to the present work, a grievous deficiency in its moral tone. We can hardly expect, that the more difficult delineation of later life will be correct, when such enormous mistakes are made in describing the simple actions of youth. Had Mr. Davis laid his foundation well, had he traced in the uncorrected errors of the boy, as shown in the examples already cited, — in these cases of foolhardy contempt of wise and prudent but overkind counsellors, — the seeds of those passions which hurried the man into desperate and unprincipled enterprises, that marked his later years with disgrace, and caused him to descend to the grave a solitary being, unpitied and unmourned, we should on our part have had a much higher opinion of his own moral perspicacity, and have assumed a different tone towards his book. As it is, we simply fulfil a duty incumbent upon us. We hold many of the prevailing notions about education to be bad enough in all conscience ; but to tell the rising generation of American citizens, already not too diffident of the infallibility of their judgment, that disobedience at four years of age is a sign of greatness, passes a little beyond any thing it has been our fortune yet to meet with. Dogberry would call it “ flat burglary as evèr was committed.”

Let us, however, dismiss the accessory, for the sake of trying the principal, and proceed to consider the character of Aaron Burr himself, as it comes out in the course of these volumes. The fearless and self-relying mind, which drove the boy of four years old upon the world in consequence of “ a misunderstanding ” with his tutor, and which sent him six years later up to the mast-head, there to practise diplomacy upon his guardian and protector, formed for itself in advanced life an estimate of the importance of the relative duties of man quite in unison with these specimens of its early career. There is consistency in perversion, if there is noth-

ing else. We are told by Mr. Davis, without a comment or any indication of surprise, that he found his friend, when reflecting upon the course of his past life, far more tenacious of his *military* than of his professional, political, or moral character; the order in which the terms are used being, it is presumed, significant of the relative importance in which he esteemed them. Colonel Burr was doubtless justified in the conjecture, that he deserved more praise as a soldier than as any thing else. Perhaps he was right in estimating his law to be better than his politics, his politics to be better than his morals, and in saying nothing at all about his religion, which was in truth a cipher, if not a negative quantity. But we want to know what we are to think of a man, who is willing to come before the world, and claim praise of any kind whatsoever upon such recommendations? And what can we say of a biographer, who, though he only “comes to bury Cæsar, and not to praise him,” entirely forgets to remark upon that mental obliquity in his hero, which places the duties of life in a ratio exactly the inverse of that which any ordinary moral code (not to speak here of the Christian doctrine) would have established? We censure Mr. Davis, not so much for exposing, as he does, so barely the nakedness of his hero, as for apparently being unconscious all the while that he is doing it.

Aaron Burr was doubtless a very remarkable man. Without being positively great, he might, nevertheless, had he lived in a more corrupt age, have made himself appear so. In thinking of him as he shows himself in the present work, we cannot help recurring to the words of Sallust, when he describes the character of Catiline; “Fuit magnâ vi animi, sed ingenio malo pravoque; corpus patiens inediæ, alioris, vigiliæ supra quam cuique credibile est (this he proved in his march to Quebec with Arnold); animus audax, *subdolos*, varius, cujuslibet rei simulator ac dissimulator, alieni appetens, sui profusus (this he manifested in his Mexican project); ardens in cupiditatibus: *satis eloquentiæ, sapientiæ parum*; vastus animus immoderata, incredibilia nimis alta semper cupiebat.” We doubt most about the vast mind; but, after all, it may be as fair to infer, that it existed in the one case from the acknowledged fear of it entertained by Washington and Jefferson, as we certainly do in the other only from the same kind of apprehension, though in greater force, felt by

Cicero and Cato. Neither of the men has left any positive traces of his intellectual power. Catiline's infamy is mainly recorded by the hands of the person who crushed him. It would not have injured Burr, if he had trusted his reputation entirely in the hands of Jefferson. For, much as he professes a conviction, that history must generally be false because in his particular case it has been inaccurate and unjust, the materials which he has himself provided with a view to rectify the alleged errors, go very little way to prove that they are so. We might go even further, and say, that they prove the principal charges against him to have been well founded. There never was an instance more clear to our perception, of a man condemned out of his own mouth. There never was a stronger case of the justice of the verdict of a contemporaneous generation. We do not mean to speak out of bounds. And, to show that we do not, we propose to devote a few pages to a general review of the character of Burr in the various relations of life, taking them precisely in the order in which he himself distributes them; the military man first of all, and the moral man the last.

Perhaps there is no class of great men of which the world has been more prolific, than of the class of military heroes. From the days of the fabulous Hercules down to those of him of San Jacinto, we have had almost in uninterrupted succession a race of martial characters. This would show two things, — the first, that military talent is not the most uncommon of the great qualities of man; the second, that it is that which is most generally called into play, because of some constant demand for its exercise among the human species. Strictly speaking, there is perhaps but one sort of warlike genius; and this unites powers of rapidly originating and combining ideas in the mind, with the energy necessary fully to carry them out in execution. But history shows, that men are not susceptible of rigid philosophical classification. We cannot regard them as machines pulled by wires in exactly defined directions. The mere ability to fight is a quality in which they are not superior to the brute creation, to a tiger or a bear. But the intellectual power, which guides it, and which makes the peculiar distinction of the human race, has manifested itself in examples of infinite variety and every diversity of character. Perhaps it may be maintained, that soldiers have nothing to do with moral questions, and that

their character in war should not be decided by the admission into the scale of such a foreign element as the justice of the cause in which they fight. True or not true, we are not prepared to make the concession that this proposition would require of us. We must judge men from a fair construction of their motives as well as of their actions, and praise heroes more when they fight well in a good cause, than when they fight even better in a bad one. Captain Dalgetty is the type of perhaps the lowest order of military merit, — General Washington that of the highest ; whilst Alexander, and Hannibal, and Cæsar, and Charles the Twelfth, and Napoleon, each of them have some distinctive characteristics to separate them from each other, which entitle them to a particular rank in a scale, the arrangement of which would be an agreeable amusement, provided that we had time and room enough to make it. But our present business is not with them, but with Aaron Burr, who aspires to stand in such excellent company. The question for us is, where we shall fix him, and it is one of no small difficulty. His biographer calls him one of the most extraordinary men of the age. We regard him as a very clever lieutenant-colonel of a regiment. Between these limits there is obviously an enormous distance, the reasons for establishing which, on our part, we will try to explain more at large.

When the difficulties between Great Britain and the United States, at that time colonies of the mother country, began to assume the aspect of an open rupture, only to be healed by an appeal to arms, Burr was a student at law, and about nineteen years of age. Mr. Davis says of him, that in the course of his reading he satisfied himself on which side of the dispute the right lay, and that he became in consequence a whig from conviction as well as feeling. We think his biographer has stretched a point a little here in his favor ; for it is very certain that Burr, when in England, claimed to be a British subject, twenty years after the Revolution, and that even at a less mature period of his life, and in the midst of the dispute, the letter to Matthew Ogden, dated at Litchfield, August 17th, 1774, and printed in the first volume of the present work, so far from breathing any whisper about principles, shows nothing but the spirit of a boy, anxious to be in the midst of a row. In just such a spirit, Burr seems to have indulged the old propensity of running away from his guardian

and friends, for the sake of joining the camp before Boston ; and in the same spirit did he, disgusted with the tameness of that besieging and not very well organized camp, and in opposition to the earnest remonstrance of all his friends, throw himself at once into the almost desperate project of reaching Quebec through the forests of Maine, the execution of which was then intrusted to the direction of Benedict Arnold. That this act denoted great intrepidity on the part of a youth of twenty, we are willing to admit ; but, at the same time, we see in it the seeds of that restless ambition, which, dissatisfied with the slow modes of gaining distinction in a train of deliberate and matured exertions, was perpetually, in him, seeking to take it by storm, *per fas*, if it was possible so to procure it, *aut per nefas*, if it could not be got otherwise so certainly or so soon.

The extraordinary privations suffered by the detachment under Arnold, which succeeded in making its way to Quebec, were endured by no one of its members with more cheerfulness and patience than by the stripling who had volunteered to join it. And this was one characteristic, which was remarked in Burr through life, and which went a great way to maintain for him the respect of those immediately around him. He was not one of the repining kind, who wear out the patience of their neighbours with their catalogue of complaints, but bore all his misfortunes like a man. When the party finally reached the Chaudière, and it became necessary to establish a communication with General Montgomery, Burr was the person selected for the task ; and, though so young, he acquitted himself of the hazardous duty of penetrating a country, the inhabitants of which adhered to the British power, and spoke a different language from his, with prudence and perfect success. Upon his arrival at the General's head-quarters, he was immediately invited to assume a station near his person, in anticipation of the moment when he might be appointed an aid-de-camp. Burr thus became an actor in the unsuccessful assault upon Quebec ; was present when Montgomery fell ; and was the person who bore him upon his shoulders from the spot, when retreat became necessary. His conduct throughout this trying affair appears to have been marked with courage and with judgment. It established for him a high reputation at the time among the American troops, and undoubtedly deserved free

and unqualified praise. We are not of those who would refuse to his memory the smallest tribute of honor, which he can be supposed to have deserved. And it gives us the more pleasure to do so in this instance, because we feel under no necessity of adding a syllable of qualification.

But, with the death of the commander-in-chief, all prospect of successful action in Canada vanished, and Burr was not one of those who could find in the quiet performance of duty a compensation for the want of more brilliant success in life. Without the consent of Arnold, who had succeeded to the command, and in spite of his prohibition, he left his companions to take care of themselves, and made the best of his way to the city of New York. The fame he had gained had come before him, and had prejudiced in his favor the mind of Washington, who received him at that place with great cordiality, and immediately gave him the same situation, near his own person, which Montgomery had promised him near his, before death had interfered to cut off his expectations. This new position was one of the best in the army ; for it enabled the possessor, if he were inclined, not only to establish strong claims upon the confidence and affections of his superior, but also to lay a foundation broad and deep for a brilliant career of honor and service during after life. Hamilton was much indebted to it for his success. Why did Burr fail to improve it ? We cannot tell the precise reason ; but the fact is clear, that from this period may be dated the origin of the dishonor of his latter days. Six weeks only elapsed, before Burr expressed his disgust at his position, and requested of Hancock, then President of Congress, to procure him a transfer into some other service, or leave to retire. This transfer was obtained for him, and he left the family of Washington to join that of General Putnam. But, brief as the time had been, it had proved long enough to fix in the mind of the Commander-in-chief impressions of the character of his young aid, which remained ever after indelible, and which, by forbidding his voluntarily reposing a particle of confidence in his honesty, had a great effect in future, in shutting him out of the legitimate avenues for his ambition.

The reasons of the mutual dislike between Washington and Burr, so rapidly matured into a permanent separation, we do not know. The attempt made by our author to explain it

is lamentably insufficient. We gather from it only, that Burr found himself without the confidence of the General in regard to his military movements, and hence was anxious as soon as possible to withdraw from the awkward position in which this circumstance placed him. But this statement does not explain why Washington refused that sort of confidence to Burr which he was in the habit of placing in others, nor the reasons for the mistrust of his moral integrity which he is well known always afterwards to have entertained. That great man was stern in his judgments upon right and wrong, and not easily moved to restore his confidence to those who had once by their own conduct incurred its forfeiture. Yet he did not form his opinions hastily or upon slight evidence. Neither could it have been a small thing which could, in the space of six short weeks, have entirely changed his feelings towards a young man like Aaron Burr, from those of friendly kindness and esteem to suspicion and dislike. But what that thing was, as it does not seem likely that we shall know, it is useless to waste time in fruitless and idle attempts to conjecture. The fact itself is significant enough.

Let us resume the review of Burr's military career. He served as aid-de-camp to General Putnam in the unfortunate action upon Long Island, and upon the subsequent evacuation of New York saved a brigade, which had been detained there too long, from falling into the hands of the British. These services earned for him a lieutenant-colonel's commission, and the virtual command of a regiment. He had a horse shot under him at the battle of Monmouth, and from that time until his retirement from the service, which happened in 1779, though not again in action, he appears to have persevered in the faithful and punctual performance of the duties incumbent upon a skilful and vigilant officer. But he could not control his impatience under the monotonous details of ordinary service. His resignation, made upon the partially well-founded plea of ill health, appears yet to have had no trifling connexion with soured feelings and disappointed expectations. His difference with General Washington naturally threw him among the officers disposed to resist the authority of the Commander-in-chief. He appears to have been a member of the Conway Cabal, and an ardent supporter of General Gates, whose successful campaign against Burgoyne made him for a time the object, around whom all

the disaffected, and those dissatisfied with the slow and less brilliant progress of Washington, rallied, as about his rival. The result of the very brief struggle which took place is well known. Its effect upon Burr probably was to remove him still further than before from all prospect of rapid advancement as a soldier, and to incline him to look to some new line of action for success. His failing health then decided the question, and he became a lawyer. But his disappointment, in thus leaving a profession for which he considered himself eminently well qualified, was a severe one, and his feelings of hostility to the person whom he regarded as the true cause of it proportionately bitter. From the day of his resignation of his commission to the day of his death, he never failed to speak of Washington in terms of disparagement, to all those who were in any degree intimately acquainted with him. And it is not his fault, that his biographer has not communicated his dissatisfaction to the world. Luckily as we think, for him, Mr. Davis has had the good sense to decline making a contrast, the precise nature of which Burr could perhaps realize as little, as he could in how small a degree the capacity of Washington, as a mere martinet, or manslayer, enters as an element into the sublimity of character which sheltered the country from feeling the poisonous breath of such military heroes as himself.

From the preceding recapitulation of the incidents in Burr's military life, it now only remains to pronounce upon the justice of the claim made for him to high rank in this department. We must confess, we do not regard it as particularly strong. If we allow to him energy, courage, and cheerfulness under privation, and admit his merit as a good disciplinarian and vigilant officer, we make him a good soldier it is true, but yet not a very great man. Captain Dalgetty was all of this, and yet he did not pretend to put himself on a level with the Lion of the North. The qualities aforementioned do credit to a subaltern, but we require something more from a general-in-chief. They imply nothing of the expanded views, the skilful combinations, and the brilliant original conceptions, which give to the genuine military heroes of history their distinguishing characteristic. But it has been maintained for Burr, that he did in fact possess many of these traits, but that he was denied opportunities for fully developing them in action. This may be so ; but the world

must judge from what it sees, and can give credit for no quality which has not appeared. No human art can rectify the error which grows out of such a misfortune. But we may venture to doubt, when taking a general view of his character, whether greatness of mind could ever have been justly ascribed to Burr, in any sense of the term. Men may become great by the force of favorable opportunities for displaying their qualities to the world, or they may make those opportunities for themselves. But in either case the powers must exist, and must be put in action, in order that the world may be enabled to form its judgment. Colonel Burr was quite as well situated to make his way as any of his fellow-officers of the revolutionary war. His early campaign in Canada gave him a positive advantage over most of them, the subsequent loss of which is a fact, that goes far to invalidate the soundness of the estimate his friends put upon him. We are therefore obliged to differ from Mr. Davis in this particular, that we cannot call Burr "one of the greatest and most extraordinary men of the age," nor agree, that "his genius, his talents, his *chivalry*, his intrepidity of character, his disinterestedness, and his generosity," (being the summary and very unphilosophical enumeration, made by the author, of his virtues,) constitute the elements of a real hero. The moral characteristic, which gives the crowning merit, is confessedly wanting. We cannot call Mr. Burr great in any sense, most emphatically not in that which proceeds from good.

Of General Montgomery we know not much. His early death prevented him from filling that conspicuous station upon the theatre of American affairs, which he might otherwise have occupied. But one very short letter of his, published in the present work, gives us a tempting opportunity to illustrate what it is, that makes the world readily decide some men to be great, even when they have done very little, while it condemns others, who make much bolder claims upon its good opinion. When Montgomery was first called into active service, the Continental Congress placed him second in the list of Brigadiers-general; since the first or senior commission, from certain prudential motives connected with State jealousies, which in this country have always very much interfered with the nomination of the most capable men to office, had been reserved for a Massachusetts man. To this proceeding in the first instance, no junior officer could

reasonably have objected. But, when the individual originally selected as first brigadier, General Pomroy, was found unwilling to take this post, the claim of Montgomery to succeed to him was, according to military notions, perfect. Congress however did not favor it ; but, acting under the same impulse which directed the first nomination, they conferred upon General Thomas, originally made the sixth in the list, the vacant situation. This advancement of a junior officer over his head might very naturally have been expected to prove offensive to a man like Montgomery, not himself a native American, and who, having been educated in the European schools of military service, would of course have been supposed to entertain their rigid notions of military honor. The Congress, conscious of the offence they might be likely to give by their proceeding, directed James Duane, a member of the body then representing New York, to write to that officer, and explain away the matter as well as he could. How this original letter, together with the copy of the answer indorsed upon it in the handwriting of the General, came into the possession of Mr. Burr, we are not informed. But Mr. Davis has done the public a favor by inserting that answer in the present work, where it shines among the rest of the letters like a diamond in a coal mine. We transfer it entire.

“GENERAL MONTGOMERY’S ANSWER TO JAMES DUANE.

“DEAR SIR, — I have been honored with your letter of the 21st instant. My acknowledgments are due for the attention shown me by the Congress.

“I submit with great cheerfulness to any regulation they in their prudence shall judge expedient. Laying aside the punctilio of the *soldier*, I shall endeavour to discharge my duty to society, considering myself as the *citizen*, reduced to the melancholy necessity of taking up arms for the public safety.

“I am, &c.”

This was the true spirit which effected the independence of the colonies, and not the restless and selfish passion which struggled in the bosom of Burr and the rest of his military associates of his own stamp. We turn from the view of such disinterestedness, with as perfect a consciousness that the possessor of it had the elements of greatness in him, as if he had proved the fact by more than one brief and glorious, though ultimately unsuccessful campaign. But where do we

see any similar indication in the fourscore years, during which Aaron Burr was enjoying an opportunity in this world to furnish it? We turn over the pages of the four volumes now before us in vain. They might as well have been a blank. The noble and heroic spirit is not there; it never could have been in the man. What absurdity, then, to pretend to designate him as great! Had Montgomery lived, the world might have witnessed the career of a hero. Burr did live, and proved to be no more than an adventurer.

The next stage in the career of Mr. Burr, which we are to consider, is that in which he figured as a lawyer. And here we shall be released from any very extended notice of our own, by quoting some long passages from the Life now before us. Mr. Davis appears to have requested some legal friend to aid him with his views in this department of his subject; and that person, whoever he may be, for his name is not mentioned, has shown, in his brief sketch, a power of delineating character which throws that of the biographer himself far into the shade. The man stands before us exactly as we should suppose that he might have done when alive.

“Colonel Burr brought to that study (the law) a classic education as complete as could, at that time, be acquired in our country; and to this was added a knowledge of the world, perhaps nowhere better taught than in the camp, as well as a firmness and *hardihood of character which military life usually confers*, and which is indispensable to the success of the forensic lawyer. He was connected in the family circle with two eminent jurists, who were at hand to stimulate his young ambition, and to pour, in an almost perpetual stream, legal knowledge into his mind by conversation and by epistolary correspondence.

“It has been said, ‘that Colonel Burr was not a deep-read lawyer; that he showed himself abundantly conversant with the general knowledge of the profession, and that he was skilful in suggesting doubts and questions; but that he exhibited no indications of a fondness for the science, nor of researches into its abstruse doctrines; that he seemed, indeed, to hold it and its administration in slight estimation. The best definition of law, he said, was “*whatever is boldly asserted and plausibly maintained.*” This sarcasm was intended full as much for the courts as for the law administered by them.’

“If Colonel Burr may have been surpassed in legal erudi-

tion, he possessed other qualifications for successful practice at the bar, which were seldom equalled. He prepared his trials with an industry and forethought that were most surprising. He spared no labor or expense in attaining every piece of evidence, that would be useful in his attacks, or guard him against his antagonist. He was absolutely indefatigable in the conduct of his suits. 'He pursued (says a legal friend) the opposite party with notices, and motions, and applications, and appeals, and re-arguments, never despairing himself, nor allowing to his adversary confidence, nor comfort, nor repose. Always vigilant and always urgent, until a proposition for compromise or a negotiation between the parties ensued. "Now move slow (he would say) ; never negotiate in a hurry." I remember a remark he made on this subject, which appeared to be original and wise. There is a saying, "Never put off till to-morrow what you can do to-day." "This is a maxim," said he, "for sluggards." A better reading of the maxim is, "Never do to-day what you can as well do to-morrow ; because something may occur to make you regret your premature action."'

"'I was struck,' says the same friend, 'in his legal practice, with that tendency to mystery, which was so remarkable in his conduct in other respects. He delighted in surprising his opponents, and in laying, as it were, ambuscades for them. A suit, in which I was not counsel, but which has since passed professionally under my observation, will illustrate this point in his practice. It was an ejectment suit, brought by him to recover a valuable tenement in the lower part of the city, and in which it was supposed, by the able lawyers retained on the part of the defendant, that the only question would be on the construction of the will. On the trial they were surprised to find the whole force of the plaintiff's case brought against the authenticity of an ancient deed, forming a link in their title, and of which, as it had never been questioned nor suspected, they had prepared merely formal proof ; and a verdict of the jury, obtained by a sort of *coup-de-main*, pronounced the deed a forgery. Two tribunals have subsequently established the deed as authentic, but the plaintiff lived and died in the possession of the land in consequence of the verdict.'

"He showed nice discrimination in his selection of his professional assistants. When learning was required, he selected the most erudite. If political influence could be suspected of having effect, he chose his lawyers to meet or *improve* the supposed prejudice or predilection. Eloquence was bought, when it was wanted ; and the cheaper substitute of brow-beating and vehemence used, when they were equivalent or superior. In nothing did he show greater skill than in his measurement and

application of his agents ; and it was *amusing* to hear his cool discussion of the obstacles of prejudice, or ignorance, or interest, or political feeling, to be encountered in various tribunals, and of the appropriate remedies and antidotes to be employed, and by what persons they should be applied." — Vol. II. pp. 14 — 16.

We do not exactly understand whether it is the biographer or his friend, who found it so *amusing* to listen to Burr, when describing the uses to which the follies and the weakness incident to human nature can be put, in perverting justice by the means of law. Although it sounds like Mr. Davis in the rest of the book, we will not hold him accountable for the language without more positive evidence. But we must say, that our feelings in a like situation would have prompted the use of a very different epithet. Aaron Burr manifestly regarded the truth and right of his causes as being of as little consequence to his success in gaining them, as he did the moral portion, in making up an estimate of his own character. He was a disciple of that school of his profession, not altogether unknown anywhere, which dispenses lawyers from the necessity of a conscience. Throughout the preceding sketch, the predominating feature of his character will be found to have been craft ; nowhere more distinctly visible than in his remarkable inversion of the old maxim therein quoted, — a maxim, it should be observed, not less valuable for the honesty of dealing which it inculcates, than for its prudential advice. For the man who puts off paying a debt to-day, because he may do it equally well to-morrow, will be very likely to finish by not paying it at all ; while he who omits to close a bargain simply from his unwillingness to cut himself off from the prospect of advantage by delay, shows that he is only watching for chances to get the better of his neighbour. The root of the matter, in both cases, is selfish cunning ; — the spring which moved Burr most frequently through life. It was this, which made him acute in trifles, which impelled him to the study of all flaws in title-deeds, and defects of form in legal process ; to the cultivation of technical niceties, and of the innumerable devices by which fictitious issues may be interposed before the true ones. If we needed evidence to prove this beyond the curious anecdote already furnished, we should only have to open the record of his trial at Richmond for treason, in the whole of which not a page will be found of

genuine defence on his part, upon the true question of guilty or not guilty. The mode in which his case was managed is redolent of the foxy nature of the man ; now doubling upon his opponent, and now taking earth under the passions of the judge. It was not in Aaron Burr to be open and noble in his action anywhere, and certainly not in law. The power to make that profession an instrument for chicane, for infinite vexation to honest and peaceable men, for shocking oppression of the poor, the simple, or the weak, constitutes the most serious of the evils unavoidably connected with the administration of justice in all countries ; and, when we find any person to have misused naturally strong powers of mind to such ends, we shall certainly never award to him any title indicating greatness, unless he is to be made an example of that species of greatness typified by Milton in the person of Belial, in Pandemonium ;

“ He seemed
For dignity composed and high exploit.
But all was false and hollow ; though his tongue
Dropt manna, and could make the worse appear
The better reason, to perplex and dash
Maturest counsels ; *for his thoughts were low ;*
To vice industrious, but to nobler deeds
Timorous and slothful.”

We pass, without further ceremony, to the political life of our hero. The transition from law to politics is in this country exceedingly easy, particularly to that large class of persons in whom ambition has more force than the love of virtue. To them the practice of the profession proves eminently useful, as a school of exercise, preparatory to entering the other department of action. It does for many, what it did for Burr ; it at once sharpens their reasoning faculties, exercises their rhetorical powers, and dulls the moral sense. Of course we shall here be understood as limiting the application of our remark very much within the circle of all those who practise that profession, which, when pursued in the true spirit, yields to none in the nobleness of the results which it produces. We mean at this time to treat only of those who misuse it, and who leave it only to do worse in a still nobler field. We speak of those, who, like Burr, learn from law to make the duty to self precede that to God, or to their neighbour, and who learn nothing else.

But, when entering upon this branch of our subject, we are conscious that we take up the most difficult part of our task. The passions, which were so deeply agitated during the whole period in which Burr was an actor in public life, have not been laid asleep since he ceased to be so. Parties exist in the community now, as they did then ; and these are not indifferent at this time to any strictures, however honestly or fairly expressed, that bear upon acts in which they boast they trace the origin of their being. In an attempt to make such, which becomes almost unavoidable when treating of a work like the one before us, we are sensible we expose ourselves at every step to charges of partiality or prejudice, exactly as we approve, or disapprove, those particular views of events, which have become established points of faith among the orthodox in any political church. But the knowledge of the danger we run should rather inspire caution in examining ourselves before we form our judgments, than fear to express them to the world, when once deliberately formed. We desire to know no parties, excepting in so far as they are facts. We wish to recognise no merit in them, but that of moral right or wrong. We acknowledge no public men in our history to have been absolutely perfect, and no associations of men to be infallible. But whether they rally under one ensign or another, whether they adopt this or that particular watchword, we hope to be equally ready in bearing testimony to the virtues, which we believe to have marked their progress, and in censuring the vices which have disgraced it.

Aaron Burr came into public life about the time of the formation of the Constitution of the United States. He adopted the principles of the popular party in New York ; and, when that instrument was submitted to the consideration of the people for acceptance or rejection, he ranged himself among the large number of those who disapproved of its provisions. Although it was finally adopted, yet the party which had rallied in opposition showed itself formidable in point both of numbers and character ; and embracing, as it probably did, a majority of all the citizens who had heartily approved of the Revolution, had roots in the popular feeling which have continued to produce important results even to the present day. Mr. Davis has analyzed the elements of the original parties in a very clear manner, and so as to show how well versed he is in that division of his subject. But,

although they were rapidly acquiring a definite shape after the Constitution had presented the first nucleus around which to form themselves, they did not prevent the occurrence of the singular spectacle in the Senate of the United States, of the representatives of the parties, which were soon after to be diametrically opposed to each other, sitting side by side, in the persons of Aaron Burr and Rufus King, as elected by a common constituency in New York. A state of things like this could not be expected to last long. But the first positive traces of the rapid separation in opinion that took place, which we find in Mr. Davis's book, indicate some peculiarities in the character of Mr. Burr which deserve a few moments' consideration.

George Clinton, who was the governor of the State at the time in question, had been among the most decided of the opponents of the Constitution in New York ; and, even after its adoption, continued, in the administration of his office, to favor that class of his fellow-citizens, who had acted with him upon that occasion. The circumstance very naturally excited great dissatisfaction among those who had been friendly to the measure ; and they soon turned their attention to devise means by which to manifest their feelings at the polls. John Jay was accordingly brought forward as their candidate at the general election in 1792, in opposition to Mr. Clinton ; and, such was the strength of the public confidence in his personal character, and such the force which the successful commencement of the new form of government, that had been advocated by them, had given to their party, that they numbered a majority of all the votes given in. But so very close did the contest prove, that the existence of that majority depended upon the admission of the votes of the County of Otsego, against which an argument was raised on account of certain errors of form in making up the return. The question, who was governor, was made to depend on the question whether there was any legally qualified sheriff in Otsego. Here was a fine opening for the talents of Aaron Burr, who at once took the lead in denying the validity of the votes, whilst Rufus King argued as strenuously in their favor. The friends of the incumbent had the control of the return ; and they accordingly declared George Clinton to be the governor elect, by a majority of one hundred and eight votes, without counting those given in the County of Otsego. And Aaron

Burr furnished the papers, upon which they rested the justification of their act before the world. Mr. Davis has again brought them forward in his present work, and endeavoured to sustain them by proving a concurrence in the reasoning on the part of many distinguished lawyers, out of as well as within the limits of the State.

But when we examine the case with that coolness, which the lapse of time ought, in this instance, to secure, we can hardly fail to perceive, that, under the color of law, substantial violence was done to the most important principle established as the basis of government in America. There was no pretence, that the votes actually rejected were not honestly and legitimately given, and that the rejection of them was not, in fact, making the voice of the minority overrule that of the majority. Yet this very result was brought about by the act of that party, which always has the most to lose from the weakening of the maxim establishing the sway of the greater number ; an act aided and abetted by Mr. Burr, who ought, as their representative, to have given them better advice. The voice of the majority of citizens, honestly and regularly expressed, has been universally acknowledged as the sovereign power in nearly all the States. Forms have been established as a necessary incident to the main object of securing that expression in a fair and satisfactory shape, and not with any design of overruling it. When, therefore, any associated number of men seek to get rid of the decision of the majority of their fellow-citizens, upon points which that majority has a clear and acknowledged right to decide, they are undermining the foundation of the fabric, upon which they themselves expect to stand. The healthy action of our system of State and National governments depends upon the determination of those who live under it to abide by the laws which they have agreed upon as the rules for their action. Any attempt then to get rid of the spirit in which they were drawn, by a mere quibble upon the letter, will necessarily weaken the confidence which ought to exist in the sincerity and fair dealing in which they were made. A successful trick, on one side, produces an inclination to counteract its force by a trick on the opposite side ; and the continuance in resorting to them, which may thus be bred, to the utter neglect of all true public interests, originally intended to be protected, inevitably must, in the end,

overturn the whole system, of which it is so great an abuse. That Mr. Burr should have been the first person in the United States to stand forth in defence of such an act, the consequences of justifying which he could not fail to understand, is an important fact for all those to consider, who, in their hurry to secure a temporary party advantage, may feel tempted to resort to similar contrivances.

But, although this is believed to have been the first instance of any attempt to set aside the popular will, it has not been the last. The experiment has been frequently tried, and by almost every party in turn. Luckily for the stability of our institutions, we have never yet seen a case, in which it has not failed of the object intended in a most signal manner. The people have refused to part with an atom of their authority ; and, with a jealousy that is, on the whole, commendable, even when it is, as it often has been, somewhat in excess, have generally withdrawn their confidence from those, in whom any design upon it has been even suspected. In the very case which we now consider, such was the public feeling of the nature of the outrage committed upon the electoral franchise, that George Clinton, who had suffered himself to be made the instrument in effecting it, and who had always, before that time, enjoyed great popularity, was, at the next election, left in a decided minority ; and Mr. Jay, who had been set aside, together with the Federal party which he represented, was brought into power by such an expression of the public will as nobody could venture to mistake. Such has generally been the result in similar cases since, so far as our experience has gone. And such, it is to be hoped, it may continue to be. For, however incorrectly the majority may occasionally judge, — and we are not of those who regard it as infallible, — the way to rectify their errors is not to deny or pervert the legitimate expression of their will. It is for such statesmen as Colonel Burr was, to prefer form to substance, and, while professing the profoundest submission to the popular will, to devise schemes to get rid of it, when it tells against himself. The act only goes to make an item in his account with posterity, although, even in his lifetime, he had to thank the long period of his term as a Senator of the United States for shelter from the storm which he had raised. For the rest, his arguments, which remain as justifications of the transaction, are exactly such

as a party-leader among us will always be ready to employ, and such as his party will be glad to get, when it has determined to do a violent act which needs some palliation before the public ; but they are also such, as even his own generation will never respect him for, and those which come after him will unequivocally condemn.

Of the services of Mr. Burr as a senator, his biographer is not able to record any thing material. He was an active member of the opposition, which had formed itself in Congress, to the administration of General Washington, and hence confined himself to the performance of the duty of merely interposing negatives. Mr. Davis tells us, he defeated a bill to increase the standing army, by taking advantage of a form. He opposed the nomination of Judge Jay as the minister to Great Britain, and the ratification of the treaty which was the result of that mission. But we do not find that he contributed any thing positively valuable to the good government of the country. The most singular incident in his career in this capacity was, that, by his diligence in studying and making extracts from the papers in the Department of State, he roused the suspicions of President Washington to so great a degree, as that he put a stop to his further progress by a peremptory prohibition ;—a fact which borrows greater importance from the subsequent opinion expressed of him by the Chief Magistrate, when presented to his consideration as a fit candidate for the mission to France. As the leading members of the Federal party were generally regarded as unlikely to recommend themselves to the existing government in that country, on account of the opinions they held respecting the Revolution then in full course there, the President determined to select his minister from the party in opposition to his administration, that viewed the same series of events with a less severe eye. The choice of the individual, however, he expressed himself willing to leave to the decision of the members of that party then in Congress. They accordingly named to him Mr. Madison or Mr. Burr. The first of the two refused to go, and was therefore put out of the question. But the President declined appointing the other gentleman upon the ground, explicitly avowed, of an entire want of confidence in his integrity. And finally Mr. Monroe was sent. Since the foundation of the government, no similar censure is believed to

have ever been openly placed upon any other individual named as a candidate for high official station, inasmuch as it implies the absence of moral qualities of the most obvious and indispensable necessity to the safety of the national interests. That the President had reasons, satisfactory to his own mind, for thus forming an opinion so extraordinarily severe, we cannot doubt for a moment. But, in the absence of all information, it would be more curious than useful to prosecute any inquiry into the nature of those reasons, or their connexion with the brief period, so many years before, when Burr served as an aid-de-camp to him in New York during the war of the Revolution. It is also worthy of observation, that Mr. Jefferson, when subsequently made President, as the representative of the very party which had recommended Burr to Washington, assigned substantially the same reason for refusing an application, then made in his favor, for a similar situation, although he did it in a more private manner. A judgment thus formed by the heads of both the parties which have divided the country, each in turn, must be regarded as no small testimony to the discredit of our hero.

But neither Mr. Jefferson, nor the party which supported him, reflected upon this want of integrity in Mr. Burr previously to the event of the Presidential election in 1800. And they then felt sufficiently grateful to him for the decided part he took in their favor, to award to him their votes for the second office in their gift. Mr. Davis claims for him the merit of deciding the result of the vote in the city of New York, which secured the control of the legislature, and through that of the Electors, of the State ; and without these it is clear, that Mr. Jefferson must have failed to obtain the requisite majority. We think the claim justly grounded, and admitted even by Mr. Jefferson himself. Indeed we must go the length of conceding, that the author has proved some inconsistency in the conduct and opinions of that gentleman respecting Burr at different periods. But they are not greater than must frequently happen with sanguine party men, who overlook, in the moment of a critical struggle, defects in the moral conduct or character of those with whom they act, which they see plainly enough, and condemn sincerely, after it is over. Mr. Jefferson admits, that he made some exertions to procure for Burr the unanimous vote of the Electors of his own State for Vice-President, and that he

did this from a sense of the services rendered by that gentleman to the common cause in New York. It would have been more prudent on his part, had he then felt that distrust which he expressed of Burr to Mr. Madison at an earlier date, to have suffered matters to take their course. For the omission of a single Elector in Virginia to vote for Mr. Burr would have prevented the occurrence of an event, which, as it was, exceedingly hazarded his own ultimate success. But, when he did exert himself in the manner he describes, and still more, when he wrote the letter published by Mr. Davis, in which he speaks of Burr as having been on his list from which to select his cabinet, we think it is clear he had forgotten that he ever thought him a doubtful character. He had occasions, very soon after, to revive and confirm his old impressions, in the manner we now propose to consider.

It will be recollected by all our readers, that, according to the provisions of the second article of the Constitution, as it originally stood, the Electors, chosen for the purpose of voting for President and Vice-President, were directed simply to ballot for two persons, of whom one should not be an inhabitant of the same State with themselves, without designating which of the two was the person to fill either office. This point was only settled when all the votes came to be counted by the President of the Senate, who was then to declare that person to be the President, who should be found to have the greatest number of votes, provided that number was equal to a majority of the Electors appointed to vote. The person having the greatest number of votes of the Electors, after the choice of President, was declared in the same manner to be Vice-President. But if two persons, having a majority of all the Electoral votes, were found to possess an equal number, then the decision between them, which should be President, devolved upon the House of Representatives, voting by States ; and if the same was the case with the two highest after the choice of President, then the Senate, voting by numbers, was to decide which of them should be Vice-President.

Perhaps no stronger case than this was ever presented, of the difficulty of foreseeing the practical effect even of those laws which, in theory, have been most deliberately matured. At first examination, nothing appears more simple

and easy of execution, than the choice of President by the preceding provisions ; whereas, in point of fact, nothing could have been imagined, in its operation, less likely to recommend itself to the habits and feelings of our people. In the first place, a moderation, amounting almost to indifference, appears to have been presupposed in them, as to who should be the Chief Magistrate among a number to be voted for ; and, in the second, a discretion, as to the choice, was implied to exist in the Electors, which all parties in the Union have always united in their earnestness to deny. The fact was entirely overlooked, that, in a free, elective government, no two persons ever enjoy exactly the same degree of the popular favor ; and that the warmth, with which each individual candidate is advocated by his immediate supporters, becomes so great, as not to admit of being easily cooled or transferred to another, at the simple word of the law. Hence, when two persons received the votes of a party for President and Vice-President, this act could not be done without exciting some feeling of preference for one of those persons to fill the first office over the other ; and this feeling would not be immediately quieted or forgotten, if the casual vote of some one or more of the Electors chanced to give the preponderance to that individual whom they did not prefer. But the worst feature of all was, that, by leaving it doubtful who was the person intended to be President, an opportunity was afforded to any, who might find motives, public or private, to such a course, to make use of the literal sense of the rule to destroy its spirit ; to press the intended Vice-President into the place of the President, when the popular voice was unequivocally in favor of another individual for the latter situation.

The election of 1800 appears to have furnished the first occasion for observing all the principal defects of the law disclosed at once. The struggle between the two great parties which divided the nation, was not the only one which it involved. There was a subordinate contest going on in the ranks of the Federal party itself, which went quite as far as the principal one, and the decision of which, in fact, decided the other. The object of this subordinate contest was, to avail of the provision of the Constitution already cited, in such a manner as to procure for Mr. Charles Cotesworth Pinckney, of South Carolina, an equal, if not superior, number of the

votes of the Federal Electors, to that given to Mr. John Adams, who was then President, and who was generally regarded as the true competitor of Mr. Jefferson for the office. To gain this end was the object avowed in the celebrated pamphlet, written by Mr. Alexander Hamilton, against the character and conduct of Mr. Adams, and originally designed to operate upon the Electors, particularly those who were expected to be chosen in South Carolina, the native State of Mr. Pinckney. But, by some underhand means, which Mr. Davis does not explain, Mr. Burr was enabled to procure large extracts from the pamphlet before the moment fixed upon by the author for publication, and in time to make the Federal party pay the penalty which was to have been inflicted only upon its ostensible head. These extracts filled the newspapers; and as they manifested the existence of an incurable schism in the Federal ranks, and an entire absence of mutual confidence, at the very moment of the popular election, when that confidence was most wanted, it cannot be wondered at, that the two doubtful States, New York and South Carolina, instead of sanctioning the scheme by which Mr. Pinckney was to be made President over Mr. Adams, preferred to abandon both, and vote for Mr. Jefferson and Mr. Burr.

But, so warm had been the contest, and so doubtful the result, that all the Electors, chosen by the democratic party, in their fear of the loss of a single vote for either of their own candidates, voted equally for both; and thus another embarrassment arose in the place of the one that had just terminated. The result of the election by Electors had proved decisive of the overthrow of the Federal party as such, but it did not establish, with equal clearness, the victory of their opponents. The equality of votes between their two candidates left the question, which of them was to be President, still unsettled; and, what was worse, threw the decision of it into the hands of the House of Representatives, where a Federal majority still prevailed. Thus two opportunities occurred, during the election, of making an unwise use of the provision of the Constitution for the choice of the Chief Magistrate. The first happened at the Electoral election, in the endeavour to run Mr. Pinckney over the head of Mr. Adams, when a large majority of the Federalists had never thought of the former in any other light than as a candidate

for the Vice-Presidency ; and the second took place in the House of Representatives, when the wish, on the part of the Federalists, to defeat Mr. Jefferson, tempted them to take up the support of Mr. Burr.

We are not sure, that the time has yet arrived in which to go very fully into an examination of the details of this, the most important election that ever took place under the present form of our government. But inasmuch as our author has evidently intended to create impressions in the public mind, which we believe not to be just, in regard to this matter, we will take the liberty of counteracting their effect, as far as we may, by a calm review of the principal points which are involved in it. While on the one hand Mr. Davis broadly insinuates, that Mr. Jefferson procured his own election by corruption, it will also be recollected, that Mr. Jefferson himself is not sparing of similar denunciations against the conduct of Mr. Burr. Probably there are no two men of our revolutionary times, who have left more clearly defined outlines of themselves to posterity, than the two gentlemen whose characters are in this transaction thus unceremoniously condemned ; and, as we happen to believe that the charges are equally incapable of being substantiated against either, we are glad to seize the occasion for explaining our reasons to justify this belief.

It is perfectly well known, that, according to the organization of the House in this election, the Federalists, when voting by States, were strong enough to prevent the possibility of a choice without their consent, although they were not able to make that choice themselves. As a consequence, the decision of the event in favor of one or the other candidate, depended upon two arrangements. Either a portion of the most lukewarm of the republicans must have voted with the Federal party in favor of Mr. Burr, only three or four of whom would have been necessary to elect him ; or a portion of the Federalists, not greater in number, were called upon to recede from their support of that gentleman, and thus permit the election of Mr. Jefferson. It is manifest from this, that any very positive control over the result rested in very few hands, and that among those few, if anywhere, must the charge of corruption, if it is well founded, be made to rest. Now Mr. Davis insinuates very strongly his suspicions of the motives, under which all of the deciding votes

were given, as well those of the lukewarm Republicans, who as it appears afterwards received appointments to office under Mr. Jefferson, as those made in blank by the Federalists, which ultimately effected his election ; and, to justify his suspicions, he publishes certain depositions made by the actors in the scene, particularly General Samuel Smith and Mr. Bayard, intended to establish the terms of the negotiation made between the parties prior to the decision.

The fact is unquestionable, that the individuals who gave the deciding votes in the delegations from the States of Maryland, New Jersey, and New York, were appointed to office by Mr. Jefferson, in the course of his administration ; but before we go on to draw uncharitable conclusions from it, perhaps we ought to reflect upon the principles by which those votes should be tried. The question presented for decision was a simple one enough. It was, whether the person whom the people had intended to make President should be elected, or whether another person, who had never been thought of by them for that office, should be substituted in his room. The Republican votes given in the House of Representatives for the purpose of carrying into effect the voice of the people by electing Mr. Jefferson, appear therefore to have been offered in a perfectly natural and consistent way, and require in themselves no apology whatsoever. It is only the circumstance of a subsequent appointment to office, which throws suspicion upon an act, which could in no other manner have been considered otherwise than perfectly proper. But that appointment, in order to have any bearing upon the subject, should be shown to have been a consideration weighing in the mind of the voter at the time his vote was given, and to have induced him to give it in a manner different from that, which his judgment and his conscience, when perfectly unbiassed, would have approved. We have never seen a particle of proof, that the gentlemen concerned had ever received from Mr. Jefferson, or any of his friends, either directly or indirectly, any intimation of benefit to accrue to themselves from the vote they might give for him. And we should hardly deem it consistent with political justice, that the mere act should be regarded as having ever after disqualified the parties from an equal right with the rest of their fellow-citizens, to serve in any public capacity for which they might be supposed properly fitted. In order to believe a

corrupt motive at the bottom of their conduct, it is necessary to maintain, that they really and truly regarded Aaron Burr as the safer statesman and better man, and the people as wishing his success. But if they had done so, and had voted for Mr. Burr in consequence, thereby making him the President, how much stronger would have been the ground for suspecting their motives. An appointment to office under those circumstances, would then have carried great reason for uncharitable surmise, which it does not appear to us to do now. We do not believe one single person, then in Congress, of any party, considered Mr. Burr in any light more honest or respectable than Mr. Jefferson; nor can we imagine, that the latter had any reason to offer, even to the most wavering members of his own party, additional inducements beyond those which already existed clearly and strongly, to impel them to the performance of their duty. Had the contest been of another kind, and between persons holding a different relative place in the public esteem, there might have been more reason for hesitation; but, as it was, and considering the exact relation which the candidates bore to each other in the public mind, we more wonder, that there could have been a doubt about it, than that it was settled as it was. The election of Mr. Burr would have been a conclusion, which, from its far more necessary implication of the characters of those engaged in it, would have been deeply to be regretted. We rejoice that it was otherwise, not from any feeling of favor between the persons, but from the single consideration, that, in the actual termination of this hazardous trial, the Constitution of the United States was in form and spirit fully preserved.

It being so clearly understood, that Mr. Jefferson was the person whom a majority of the people really intended to be President, we have always regarded as indiscreet the attempt made by the Federalists in the House to defeat his election. But it cannot be denied, that their action was strictly within the letter, if it did not conform in the spirit, of the constitutional provision. An ordinary construction of the same would even justify the exercise of a sound discretion in the selection of an individual with a view to other qualifications than that of the mere possession of a greater number of votes. The question, however, in the present instance was, whether any such qualifications actually existed in Mr. Burr. We, at this day, think not. But a majority of the Federal

party in the House of Representatives at the time thought otherwise ; and, so far as we know, their belief was earnest and sincere. Most of them acted under habitual apprehensions of the evil consequences likely to flow from Mr. Jefferson's access to power. We see, at every step, the alarm which pervaded their bosoms. They trembled, and not entirely without color of reason, for the fate of the Judiciary, of the National Debt, of the Navy ; and of the official incumbents throughout the Union. And, in the anxiety to save these from the hands of an avowed enemy, they did not scan very narrowly those into which they were inclined to trust them. Still all the inducements under which they acted were public and not personal. They had little communication with Mr. Burr himself, who appears to have kept himself retired and uncommitted. And many of them consented to the delay of the decision, which always continued in their hands, only that they might procure some further assurances to quiet their minds respecting the points of public policy, about which they were uneasy.

That they did in fact obtain, very indirectly, and in a reluctant manner, some assurances of the kind desired from the opposite party, is we think clearly shown by the depositions of Messrs. Smith and Bayard, notwithstanding the denial of Mr. Jefferson himself. And perhaps to these it may be owing, that a very material and important variation in the public language of the latter gentleman on some of the subjects in question, from what it had before been, took place during his presidency. His tone respecting the public debt created by the pending system became less fierce, while in action he did nothing to shake its credit, and, with regard to the other institutions in question, he limited himself to advocating trifling modifications in their form. His administration passed away without realizing to the public the tremendous evils which were prophesied as likely to follow from it. Perhaps the very existence of those predictions had some effect in preventing their verification. Mr. Jefferson was a bold destroyer in theory, but timid when he came to practise. Devotedly attached to his notions of government, which underwent much modification in the different stages of his career, he was yet unwilling to hazard any very serious trial of their efficacy, that might have carried with it a danger of social disorganization. He was content to thunder against

the Supreme Court and Chief Justice Marshall, without ever striking at the foundation of the tribunal, and to claim the right of removing Federalists from office, without carrying it into extensive execution. If we look back and compare his administration with the principles upon which he was brought into power, we shall be disposed to call it essentially conservative ; for which character it may nevertheless have been somewhat indebted to the conscientious forbearance of opposition on the part of his enemies, to which he owed his election. Be this, however, as it may, it did not justify the extravagant apprehensions which had been formed of it, nor the violence proposed as a means of defeating it. The Federalists committed an error in^d imagining that they could serve any great public interest, to which they were attached, by the method of action which they adopted. But their error appears to have arisen from no corrupt motive, or selfish consideration. It was of that kind, which parties are often led into by the vehemence of their passions, but which the people almost invariably have resented as equal to the greatest crime, because it looks to set aside their will.

It is very well understood, that Alexander Hamilton, who exercised great power over the leading politicians of the Federal school, was decidedly adverse to the project of elevating Mr. Burr to the Presidency. He probably regarded him as in no respect deserving of greater confidence than Mr. Jefferson, and, on the mere ground of policy, it seems as if it was very unadvisable to run the risk of so violent a measure as the perversion of the popular voice, for so poor a chance that ultimate benefit to the country would result from it. And here a moral reflection seems almost unavoidable. For, had Burr been other than he was, his ambition might have come nearer to gratification. Art and intrigue and clever management may at certain times be regarded as the surest methods to attain partial political success ; but at others they will prove the most effectual barrier to the highest stations. Had Mr. Burr, when he came into active competition with Mr. Jefferson, possessed any of the noblest qualities of the statesman and the patriot ; had he raised himself in the estimation of his opponents by his preceding career, instead of incurring the withering censure of their favorite chief, Washington ; had he, in short, been a great man, even in what they held to be his errors, instead of a low party politician,

their extreme dread of Mr. Jefferson's theories would have confirmed itself into confidence, in preferring the alternative presented in Mr. Burr's general character. They would have adhered to his support with greater hope of justifying themselves before the people, and they would have presented to the lukewarm supporters of Mr. Jefferson a most difficult and trying question between the hazard of anarchy and the abandonment of their first choice. The election of Mr. Burr might, in this event, although still a violation of the people's will, have been an honorable testimony of his political enemies to his personal character, and have furnished to him an opportunity for a creditable administration of the government. We cannot say, that we regret at all the happening of another result. For we hold, that the popular will, when expressed according to law, should always with us be respected; and that, however incorrect we may ourselves believe its decision sometimes to be, the way to effect a change is, to operate upon public opinion, instead of setting it at defiance. But to Mr. Burr it made all the difference in the world. For however his election, had it taken place without any interference of his own, might have manifested the confidence placed in his character, the failure, after the attempt was deliberately made, rather shows that he had none to stand upon.

Yet we are not of those who would censure Mr. Burr for the part he took in the election of 1801. We see no evidence to prove the truth of the charges made against him by Mr. Jefferson of direct interference, but on the contrary some internal marks of their absurdity. He committed, to be sure, a crime, in the eyes of his party, by the cold neutrality assumed by him during the period in which he was made the instrument by which the Federalists hoped to prevent Mr. Jefferson's ascendancy. Perhaps, in strict duty, he should have declined competing for a situation, for which he had not been intended. There is a latitude allowable in construing the terms of the Constitution, as they then stood, which will release us from absolutely deciding the point against him. Yet, after a consideration of the whole case *in foro conscientiae*, we do not perceive much in his conduct upon this occasion deserving of censure.

He settled down into the Vice-Presidency, immediately after the contest was over, a second-rate man. The day of

his power had gone for ever. He had failed to secure the confidence of his political opponents, and had forfeited that of his friends. His position became one of great difficulty ; but still it was not one, from which a man of extraordinary qualifications, mental and moral, could not have extricated himself with credit. He failed to do so. His love of the mysterious predominated over his sense of the necessity of being frank. His fear of committing his opinions, in any form which he could not at convenience disavow, removed friends and foes indiscriminately from all the avenues of sympathy with his condition. The less they knew his motives of action, the more they distrusted them ; and, in proportion as they noticed his anxiety to hide them, did they magnify their evil nature. Mr. Burr's career as Vice-President, furnishes the last and strongest proof of his want of merit as a political character. It stands before the nation, a mere blank. Acute in his perceptions, rather than just ; keen in his intellectual powers, rather than philosophical, or capacious ; cunning in his projects, rather than noble or wise ; he seems to have shunned all occasions for any active exercise of a beneficent influence upon public affairs, in order to employ his public hours in contriving new ciphers in which to envelope mean ideas or worthless intrigues, and his private ones in multiplying devices to form degrading relations with weak or profligate women. His standard for all human action was low ; his estimate of the motives of others generally the meanest. In searching the volumes before us, we have been astonished, to find how little can justify the biographer's ascription to him, in any sense, of "high moral elevation." He had it not himself ; he did not believe in its existence anywhere. And, in considering these elements of his character, it is with some feeling of shame to ourselves as citizens of the United States, that we are obliged to remember, that such a man secured a majority of voices in the United States, in favor of his claim to the second office in the gift of the people, and was not entirely without a prospect of arriving even at the first.

When the party friendly to the administration of Mr. Jefferson took their final measures to supersede Mr. Burr in the Vice-Presidency at the next election, the party in opposition, by a habit not uncommon in similar cases, determined to take advantage of any popular sympathy which might

exist in his favor among his ancient friends, and accordingly brought him forward as a candidate for governor in New York. The election was warmly contested, and turned against him, in the end, only in consequence of the interference of General Hamilton, who again exerted his ability to deter members of the Federal party from voting for him, as they would otherwise have done. There is no reason to suppose, that, in this course of repeated hostility to Burr, Hamilton was actuated by other feelings than he professed ; but his vehemence very naturally carried a mark of personal enmity with it to the at once mortified and irritated feelings of the twice disappointed candidate. The accidental publication of a report of some unguarded language, used by Hamilton at a caucus during the election, furnished an opportunity for revenge. A duel followed, and Hamilton fell. The immediate cause of this fatal result has appeared to many to have been so trifling, that they have wondered that it should ever have been suffered to operate ; and a superficial moral has often been drawn from it, which the case appears to us not to justify. Here, as not infrequently elsewhere, the pretext for the duel was but a faint index of the burden of offence weighing in a cumulative manner upon the mind of the offended party. Mr. Burr was not one of those, who suffer anger to evaporate in violent expressions or mere menacing gestures. He seems to have had his temper always at his command. In a worldly point of view he had nothing to gain from shooting his opponent, and much probably to lose. Yet the deliberation, with which he planned his method of attack, shows that he was in a perfect condition to count the cost of his conduct. Mr. Burr seized the occasion of an indiscreet act of a totally indifferent person, to involve his antagonist in responsibility for a great deal more than had been said and done offensively, than had been brought to light by that act. He only closed the net, which his opponent had been spreading for himself, and that in such a manner that nobody could relax his grasp. There is ample evidence to show, that Mr. Hamilton was earnestly desirous of avoiding a duel. But he was dealing with a person, who was as resolute in his purpose of forcing him into it. The published correspondence respecting it is as characteristic of Mr. Burr, as any thing which remains of him. It betrays throughout a cool determination to press his opponent with an alternative, which he perfectly knew it would

not be in his power or his disposition to accept. It shows the desire to settle a long account of injuries received, in the blood of his enemy at the hazard of his own. These injuries were, to be sure, suffered in political contentions. But the line between personal and political invective is so indistinctly defined, that few men possess the calmness of mind, or the reflection, necessary always to observe it. It is not likely that Hamilton had been of the number. He had probably indulged in excessive severity against Burr among his political friends, which he could neither deny nor retract with honor. The lesson ought to be a useful one, although we greatly doubt whether it is ever remembered as such. Mr. Hamilton probably fell a victim to a thoughtless use of intemperate language, whilst Burr earned, by his share of the business, credit for singularly cool, deliberate vindictiveness. Hamilton was indiscreet ; Burr bloodthirsty. Last of all, Hamilton laid down his life as the price of the world's opinion ; Burr paid the same opinion as the price of his enemy's life. Few incidents have happened in the course of our history, which are more full of materials for reflection than this event.

Nothing remained for our hero, but the prospect of desperate enterprises. He became, more completely than ever, a mere adventurer. A project of some sort of dominion appears to have been in his mind, while presiding officer of the Senate at Washington ; and, to further it, he earnestly occupied himself whilst there in forming such connexions as might prove useful to him. But the extension of these, in the section of country proposed by him to be the theatre for his future operations, became the motive for a journey taken in the summer of 1805, in the course of which, from Pittsburg to New Orleans, he appears to have been tracing the features of his plan.

But what these features were, and what the real design, has never fully appeared. We expected from our author some light upon this, the most mysterious incident in our history ; but we have not been favored with it. He contents himself with a meagre relation of what he believes to have been the design of Mr. Burr, which leaves unexplained much that is at variance with a supposition of its truth. He moreover decides, rather peremptorily, as we think, that the charge of treason to the United States involved in the transaction

was not only absurd but ridiculous, without showing wherein the nonsense precisely consists. It is a well-known fact, that, upon this particular subject, Mr. Burr himself, during the last years of his life, when he talked freely of most past events, was always extremely reserved. Who were the associates upon whom he relied, and how far they were engaged to go with him, were questions he avoided ; and in this conduct his biographer has steadily followed in his footsteps. There seems a little inconsistency in this. If the plan of Burr was no more than is declared, and confined itself simply to an expedition against Mexico, in failure of which an attempt was to be made to settle a tract of land upon the Washita, it surely could not be deemed likely so injuriously to affect the reputation of the individuals concerned in it, as to require the suppression of their names. On the contrary, justice to them would seem to demand that a publication of the exact truth should relieve them from the suspicion, under which many of them have labored, of worse intentions. At this time, indeed, the exposition would be attended with few consequences to any one living, and is desirable principally in an historical point of view. That there really was a double plot, seems hardly deniable, when we consider the evidence of Generals Wilkinson and Eaton, the substance of whose testimony at the trial at Richmond can hardly be discredited, whatever may be the opinion formed of the men. Mr. Jefferson himself seems to have so understood it, from the official information furnished to him in abundance at the time. This double plot was somewhat characteristic of Burr. He found that he had to contend in the Western country with a decided attachment to the Union and to the administration of Mr. Jefferson. In order to get over this, he gave out, among those likely to be affected by it, that his project was only against Mexico, and that in this he was promised the coöperation of both the American and British governments, whilst, to his more intimate associates, he breathed a spirit nothing short of utter contempt and enmity to the institutions of the United States themselves. From all that we now see, we can only infer, that he hoped to organize his expedition by holding out the idea, always popular in the section of country in which he was acting, of an inroad upon Mexico ; but that, after it was really on foot, he cherished the hope of turning its force upon his country, at least so far as to get possession of

New Orleans, and make that city the centre of a new government of the West. If this is not a true explanation, we know not well how to find one. For Mr. Burr's project, as given by himself, appears so rash, ill digested, and feebly concerted, (fit to spring from the brain of an idiot rather than out of the head of a calculating politician and daring officer,) that, if we are forced to believe his deathbed declarations, we must at the same time admit a striking contradiction to have taken place of the principal characteristics which mark the man throughout all of his preceding life.

It should be observed, that, until the formation of this deep intrigue, the western people knew, personally, nothing of Burr. He had never before appeared among them in order to conciliate towards himself those feelings of deep attachment, without which an enterprise like his is hardly practicable. And, when he came, his system of mystery was little calculated to act upon the warm-tempered, open-hearted men of that region. The consequence was, that there was no cohesion in the chain he was forming. When his small party embarked in his boats at Cincinnati, and looked to either bank of the Ohio and the Mississippi as they descended, for the auxiliaries whom he had engaged, they were destined to meet with nothing but disappointment. These persons feared to commit themselves irrevocably to a man whom they did not fully know. The consequence was, that, when he had reached the proper point to communicate with New Orleans, his force remained too small to impose even upon the imagination of General Wilkinson. That officer, who had previously to this instant been acting very ambiguously, to say the least of it, now found himself constrained to save himself and his reputation by sacrificing Burr. He even contrived to do more, and actually made a merit of his preceding equivocation. Without entering into further detail respecting this, it is only necessary to add, that, from the moment Wilkinson turned his back, Burr's hope was extinguished. The few individuals, who had embarked with him in his voyage down the river, quietly dispersed, the grand scheme which had put the whole Western country in a ferment evaporated in smoke, and its projector and chief executor, upon landing in the territory of Mississippi with a view to escape from justice, found himself utterly unable to resist the

miserable force of the corporal's guard which apprehended him.

Perhaps a more ignominious failure never took place ; and it would seem as if it would have been more expedient in the government of the Union, if it had decided there to let the matter rest. But Mr. Jefferson construed his duty otherwise ; and the consequence was, that Burr was tried for treason by the Court of the United States, sitting at Richmond, over which Chief Justice Marshall presided. His conviction became a political question ; the eagerness manifested to procure which, by the party of the majority, excited a corresponding anxiety in the minority to defeat it. The trial proved to be a test of legal acuteness in technical defence, rather than of truth. Burr stood wholly upon the law of forms, in which he was supported by five of the most distinguished lawyers of Virginia and Maryland. He secured a degree of public sympathy which he scarcely deserved, because the over-earnestness of the President to secure a conviction, which forfeited his life, bore the aspect of personal rancor against a fallen and prostrate foe. Under these circumstances he escaped, only through a result which he himself somewhere calls a drawn battle. Chief Justice Marshall, in pronouncing an opinion, in this perhaps the most critical situation of his life, confined himself strictly within the question of jurisdiction ; and the jury, in bringing in a corresponding verdict, expressly excepted to the general inference in favor of the prisoner which it might occasion. Hence, although Burr was found not guilty of treason within the limits of Virginia, he might have been proved so elsewhere ; and, even if the act should be admitted to have been nowhere susceptible of strict legal establishment in a capital trial, it may now be not unreasonably charged upon him before the bar of reason and conscience.

Although Aaron Burr stepped out of the court-room safe from all further hazard of prosecution, he found himself bankrupt both in fortune and in fame. Nothing to hope or to expect remained to him in America. The party whose ascendancy he had done more than any other man in the Union to secure, had become deeply embittered against him for the virulence indulged in by him and his legal advisers, during the trial, against their leader, Mr. Jefferson ; whilst the Federalists, however they might overlook for a time,

could neither forgive nor forget, his murder of Mr. Hamilton. And other persons, including, perhaps, all that numerous class who regard politics as secondary to morals and religion, though they took no active part in the passions excited by the contest, yet had learned enough of the man to regard him with sentiments of dread and the deepest distrust. It was manifest, that to him the game was up in the United States ; and no alternative was left, but to bid good-bye to home, and try his fortune in another land.

It was with this view, that, in 1808, Burr took his passage in a British packet bound to England, and that he spent the four succeeding years in a residence in various parts of Europe. At first the hope seems to have been strong within him of enlisting the government of England or of France in support of his long-cherished schemes against some of the Spanish-American States. But the period was not propitious ; and, as his prospect of active occupation grew dim, he resigned himself, without a struggle, to a state of listless and unprofitable indolence. Instead of contriving the overthrow of great States, he became content to exercise his restless faculties upon projects of making vinegar out of wood, and improving artificial teeth. It is of the four years now in question, that the "*Private Journal*," which makes the second of the works named at the head of our article, gives some account. A solitary individual, in a strange land, Burr hit upon a Diary, as an expedient to while away some lonely hours, as well as to amuse the melancholy of the only being in the world, who, through all his fortunes, adhered to him with undeviating attachment, his daughter, Mrs. Alston. This Diary is now given to the world by the same gentleman who furnished the biography. We took it up with greater expectations than were destined to be fulfilled. Any work of the kind, when the product of a thinking and powerful mind, appears to us to promise beforehand much entertainment. It needs only, that the writer should describe scenes of interest in which he lived, or conversations with able men, or simply throw his own thoughts and feelings boldly upon the paper, and his book must inevitably prove an agreeable companion. Unfortunately Mr. Burr has done no one of these three things. His love of the mysterious pervades every page, showing itself in dark allusions, which cannot easily be applied by the general reader, or in enigmatical cir-

cumlocutions, which are not worth the trouble it would take to understand them. It is an amusing circumstance, that a man, who made it a principle, through life, to commit nothing of importance in his own mind, to writing, should have ever thought of keeping a Journal. Indeed, to do him justice, he describes his plan, rather as in the nature of a lawyer's notes, from which he may freely communicate his reminiscences orally to his daughter, than as a full relation of his life. The work itself answers the description he gives ; it is like a lawyer's brief, and about as interesting.

Yet there are touches of nature in it, here and there, which prevent one from positively throwing it down in disgust. It is constantly tantalizing us with the hope of something better to come. We collect from it no information of the precise objects of his voyage ; yet we see that he communicates with distinguished men. Celebrated names pass in review before us, with as little result as the figures made upon the wall by a magic lantern. We are told, it is true, of that which he ate and drank, of his anxiety respecting a pimple on his nose and a cut lip, but not a hint of what he means to do. We are informed of the merit of *café blanc* and Roussillon wine, much more fully than of the characters of Lord Hawkesbury and Mr. Canning, of Denon and Volney, with whom he seems to have had conferences in England and in France. Decidedly the most interesting pages of the Journal are those which disclose his extreme poverty, and the shifts which he made to live from day to day. Otherwise it is as much a blank as it could be made. There is but a single elevated thought, and not one striking, original reflection, coming from Burr, in the two volumes. And that thought is more remarkable as his, than for any other reason, because it is the only one, approaching to any sense of religion, that we are able to impute to him. It may be found near the close of the work, in the account of his voyage from Boston to New York. We must also beg leave to observe, that the typographical execution is by no means creditable to the publishers, who have suffered the French language to be most unjustly tortured in the phrases which Burr so frequently introduces.

There is one disclosure made in this Diary, which appears to us to put the finishing stroke upon Burr's character. We refer to the serious claim advanced by him to the right of

citizenship in Great Britain, in order to secure himself from the inconvenience attending the rigid execution of the alien act. We do not, for ourselves, comprehend how a person, who, according to his biographer, had examined the merits of the question between Great Britain and the Colonies, and who, from the result of that examination, had become a Whig as well by conviction as by feeling, should have advanced any such claim. Nor can we perceive, how his oath of allegiance to Great Britain, due as a citizen, could be reconciled to his having borne arms against her during five years of the Revolutionary war. What estimate are we to form of his motives, when we see him, very contentedly, returning to acknowledge the sovereign, whose tyrannical exercise of power, he had pretended, was so intolerable as to justify armed resistance? We leave this question for more profound casuists to settle, only remarking, that the effect of this movement was decisive upon Lord Hawkesbury, who not only pronounced the claim monstrous, but took immediate measures to remove the claimant from the kingdom. It was only the absence of power to do evil, which could make such an individual perfectly harmless. Yet our biographer, in noticing this, perhaps the most barefaced act of his whole life, passes it off almost without any censure at all. He thinks the claim was "certainly unfounded, and injudiciously asserted, for it probably increased the suspicion and distrust entertained of him;" that is, in other words, that Burr was more to blame for his folly in disclosing his knavery, than for the knavery itself. Surely Mr. Davis can have formed only a very feeble conception of the distinction between right and wrong in political conduct, and can entertain no great veneration for the principles at the bottom of our Revolutionary struggle, if he is ready to designate so shameful and profligate a desertion of them in no more sufficient terms. A man, with whom patriotism did not weigh in the scale with a slight personal inconvenience from the British alien act, only needed the same temptations, into which Benedict Arnold fell, to do as he did, and fully merited the severe sentence, which Washington so early passed upon his integrity.

The dread of his extraordinary powers of intrigue seems to have been felt, alike by the British government, and by Napoleon, then Emperor of France. After a stay of a few

months in London, and a visit to Edinburgh, where he was received with great distinction, he, in his Diary, dated April 4th, 1809, makes the following record.

“ *Having a confused presentiment that something was wrong,* packed up my papers and clothes with intent to go and seek other lodgings. At one o'clock came in, without knocking, four coarse looking men, who said they had a state warrant for seizing me and my papers; but refused to show the warrant. I was peremptory, and the warrant was produced, signed ‘Liverpool’; but I was not permitted to read the whole. They took possession of my trunks, searched every part of the room for papers, threw all the loose articles into a sack, called a coach, and away we went to the Alien office,” &c. — *Private Journal*, Vol. I. p. 189.

Now nobody in the world will suspect Burr of superstition. Therefore it is fair to infer, that a confused presentiment, which was so strong in him as to impel him to remove to new lodgings, and which carried its own verification so immediately as to prevent him from executing his intention, could not have been felt, without a corresponding sense of something previously done or conceived, which might give occasion to so unceremonious a visit. But what this something was, we are left as much in the dark about as usual. There is a break in the Journal from the preceding 19th of March, although, if the vacuum had been supplied, we should not probably have been the wiser. It is enough to add, that his liberation from confinement was upon the condition of his departure from the kingdom within forty-eight hours. He accepted the alternative, and sailed to Sweden, from whence he made his way to France. But he had already attracted the notice of the French police under Napoleon, who directed M. de Bourrienne, his minister at Hamburg, to watch him as a dangerous man. We are, at this day, entirely at a loss to know the reasons for this treatment. Even when he succeeded in reaching Paris, it was only to find himself in strict *surveillance*, without the power to move from the spot which he had chosen. We see that he became pennyless, and obliged to exercise his wits, in order to live from day to day, because all this is shown very fully in the Diary. But why it was, that he was regarded as so important a personage, when he seems to us to have lost all ability equally to injure and to aid, having become a mere cipher in society,

is not explained, and probably never will be exactly understood.

A remarkable characteristic of Burr, presented in his Diary, was his self-control. This was manifested by his suppression of all expressions of indignation against those persons who treated him ill, and of every sentiment of discontent or unhappiness, under circumstances of distress and privation, which have rarely been the lot, in so great a degree, of men so distinguished as he was in life. Mr. Davis says, truly, that "not a discontented or fretful expression is to be found in his voluminous memoranda." "The Journal contains a protracted record of privations, sometimes threatening absolute and hopeless want, but endured throughout with undisturbed and characteristic fortitude and gayety." It may be added, that, when his application for a passport to return to the United States was answered by Mr. Russell, then diplomatic representative of the United States at Paris, in terms of refusal, which appear to us to have been needlessly harsh and insulting, the simple fact is recorded with little of comment. So, whenever he met with marks of the detestation in which he was held by most of his countrymen abroad, who would not bear letters or bundles home for him, if they knew them to be his, he notices them, in this most private communication of his feelings, with scarcely a sign of sensibility. Yet that Burr felt insult, his duel with Hamilton clearly proves. There are but two methods of explaining his conduct. He may have hardened himself to bear, without shrinking, what he saw must be his fate, until he really ceased to feel it; or his early-learned habits of dissimulation led him, as a matter of policy, to suppress all manifestation of sentiments, the indulgence of which might, at any time, inconveniently commit him. We leave it to those, who take sufficient interest in the subject, to select the motive which bears the highest analogy to his general character. No matter what it is, the effect is unquestionably agreeable. We can hardly help liking the man, who is cheerful and resigned. There is a natural sympathy with the patient under adversity, which defies reasoning. And, when we see this adversity increased by the wilful malice or cowardly fears of fellow-creatures, and no symptoms of relenting in pursuit of means to crush an enemy already fallen, whatever may have been our opinions of the sufferer, and however deserving we may

regard him of his fate, censure will give place to pity, and condemnation will not be unmingled with regret.

Burr returned to America, neither a wiser nor a better man than when he left it ; but he came to lose all of the little compensation, which this life had yet to give him, and to linger on the scene, many years, an isolated wretch. Through all his European wanderings, one object appears to have remained bright to him, a polestar, by which to regulate his course. One daughter and her child then still existed, towards whom his affections seemed to yearn, with a degree of warmth increasing as they grew dead to every other being, and whose continuance in life was the only futurity, about which he was uniformly sanguine. But even they were to be taken from him before he was able to see them again, one of them by a natural death, and the other, when upon her way to him, by a melancholy fate, which has never been explained. And thus he became a being thoroughly deserted and desolate, yet to live for more than twenty years, as his biographer describes him, "in a condition more mortifying and more prostrate, than any distinguished man has ever experienced in the United States."

The biographer tells us, that Mr. Burr entertained great contempt for history, and confided little in its details. These prejudices were strengthened, he adds, "by the consideration that justice, in his opinion, had not been done to himself." Mr. Davis seems more than half inclined to believe this complaint well founded, when he ascribes the result to what he deems a great error in Burr, whose practice was, when attacked by the newspapers, "to keep silence, leave his actions to speak for themselves, and let the world construe them as they pleased." This enabled his enemies to create upon the public mind an impression against him, by giving them the advantage of a one-sided story. We are not sure, that, in ordinary cases, we should not consider Mr. Burr's system more judicious, than that recommended by his biographer. A truly virtuous man will live down calumny more certainly in America, than in any other country where that instrument of attack is less boldly and unscrupulously used. There is a tendency in falsehood, when carried to a great extent, to defeat its own purpose. And many public men have derived quite as much benefit from the incredulity of the public about statements made of their errors, as they have in-

jury from the misrepresentation of their good conduct. Neither to affirm nor to deny what was asserted respecting him on indifferent authority, was good policy in Mr. Burr, who never exposed himself to be contradicted by any thing written under his own hand, and who would have been more likely to be injured than benefited by a clear exposition of his true motives of action. He acted in this, as in every other part of his life, upon calculation. And we are inclined to think in his case that calculation just. There might be more doubt, where there was less to conceal. With respect to the injustice, which he felt had been done to him, we are at a loss to know wherein it lies. The purpose of history is answered by recording results, and it cannot be expected unerringly to mark out the separate share which each individual had in producing them. Hence it cannot be a matter of surprise, if mistakes do occasionally arise from confounding the agency of one person in any event, with that of another. Possibly injustice may sometimes be done in this manner, and one man may gain credit, or incur censure, for the act of his neighbour. This is probably the kind of injustice which Burr complained of, but after all it is trifling. The life of any distinguished man is not judged of by one act more or less, nearly so much as by the general complexion of all. Even admitting that Mr. Burr was entitled to complain, that he had been robbed of his merited reward, in one or two instances, (although we know nothing to prove it,) yet we cannot infer from this any thing which should shake the estimate formed of his character. His actions from boyhood to advanced age do speak for themselves, as he said they would ; and no effort to cover them with apologies or explanations, as Mr. Davis would have recommended, could have proved effectual. There are none of the leading public men of the Revolution, with the exception perhaps of Washington, who have not left materials behind them, in which a sharper outline of themselves will be perceptible, through all the coats of color and varnish which they may have attempted to lay on, than was traceable in their own age. Mr. Burr has proved nothing against the history he condemns. A friend has furnished to the world all the documents in his defence, which his own care supplied. He has even suppressed what bore hardest against him, and gone as far to palliate and to excuse as he dared. Yet where does Burr now

stand ? Has his fame grown brighter than it was ? and will he yet be one of that noble band, whose good name will be associated with the origin of the United States, to the end of recorded time ? Who can hesitate to answer these questions unfavorably ? And what doubt can there be, that the sentence of his own generation will not be fully confirmed by posterity ?

Yet it may be possible, that the retribution, which was visited upon Burr during his later life, was, although perhaps not greater than he deserved, still much more severe than has fallen to the share of others, who were in fact not a whit better than he. The popular voice has perhaps at other times been more lenient, or more mistaken. It ought not to be forgotten, that Burr's name, scorched as it was by the censure of Washington, came very near being placed upon the same level with his, in the list of those to whom their fellow-citizens have awarded the highest mark of their confidence. Had it been ordained, that Aaron Burr should become President of the United States, and had his ambition, unchastened as it proved to be, exhausted its force in the legitimate channels afforded by the country's institutions, he might have escaped the heavy condemnation he now receives, and have been lauded for virtuous and patriotic motives of action which he never entertained. We may admit, that, in this point of view, history may be often, although we know not that it has been, defective. We are conscious, that

“Gilded wood will many worms enfold,”

and that the principles of man are often the mere consequence of the situation in which he is placed. But what is this to Mr. Burr ? Another fate might have made him appear to us better than he was, but it does not entitle him to complain of that which shows him as no worse. This might justify him in contemning that history, which exalts some into patriots and statesmen, who in other circumstances would have been what he was ; but not in moving to arrest the true judgment, which his own thoughts, words, and deeds have brought down upon him.

Of the moral character of Burr, we fear that we have not much to say in praise. With the records of his notorious and abandoned profligacy, which he prided himself in preserving all his life, with the view of giving them afterwards

to the world, we are very glad that Mr. Davis took effective measures to prevent our having any acquaintance. In this, if in nothing else, he has done a great service to the public morals. As a domestic man, we see little to condemn, if not much to praise. Of his wife we find a few letters, which breathe the most ardent affection for him, and a better general spirit, than we should have expected. They are answered by him in terms, at first apparently quite as strong, cooling gradually down until they cease with her death, after which, in all the letters to his daughter, and in his Journal, we do not remember a single instance of recurrence to her memory. Not a sigh at her death, — not a moment set apart as a tribute to her worth. The letters to his daughter go right on, as if nothing had happened. She appears to have taken up all the room he gave to domestic attachment. She became the pride of his heart and the darling of his affections. So far as we may be qualified to judge of her from the perusal of her letters, which form a part of the works before us, we should pronounce her to have been worthy of much regard. The education, which she had received, was, in many respects, peculiar, and grew out of her father's notions on the subject. He prized the masculine virtues much, and hence maintained, that boys and girls should be treated, in youth, upon the same plan. To him, religion seems to have been no essential, and morality rather important as a rule of expediency, than of abstract right. He held the want of genius, which he confessed he perceived in the great number of the female sex, to spring from errors of bringing up, from the force of prejudice and habit, rather than from natural constitution. And the weakness, which he had made it the study of his life to play upon, he declared, could be cured by thorough intellectual developement. In compliance with this system, we perceive him assiduous in overseeing his daughter's studies in Greek, and Latin, and French, her composition, and her external accomplishment, but utterly indifferent to the progress of her social or religious affections. He appears to have wished her to be a politician as bold and as unscrupulous as himself. Mrs. Alston must have been possessed of much native character, to resist, so successfully as she did, the errors of her father's plan of instruction. Her letters, though energetic, do not lose the feminine character, nor fail to show in her, that art cannot wholly weed out

the seeds which nature plants. There is a vein of melancholy running through them all, which makes one sensibly feel, that there was a void at her heart, which her father had created, and which she could not fill. That void was the absence of all inculcated religious principle. So that, when her greatest trial came, and she was deprived of her only child, whom she had made the object of her idolatry in this world, she looked round, and saw nothing more to fear or to hope. "Omnipotence," she says, "could give her no equivalent for her boy." Neither could her father, at that awful moment, compensate her for his failure to teach what alone can have any effect in soothing such a tone of despair, or in producing any resignation to that decree of Omnipotence, the justice of which she so boldly impugns. We can easily understand the desolateness of her condition, and sympathize with the first outpourings of a mother's heart ; but, in the midst of it, we cannot fail to ask, what to her, at that instant, would be worth all the schemes, for her, of her father's worldly ambition, compared with the single drop of balm which he had neglected or forgotten to put within her reach. The catastrophe which immediately followed, in the loss of her at sea, comes upon us with little regret, when we remember how few were her remaining motives to live. We look upon her story with much the same feeling, as one might witness the performance of some of those Greek dramas, in which the characters suffer too much by acts which they cannot control, to make it disagreeable to arrive at the end. The scene is too darkly shaded to afford even a ray of sunlight to relieve the gloom.

And after his daughter and his grandson had gone from this world, and Burr thus became a lone man, taking little part in the hopes or fears of his fellows, earning a paltry subsistence by weaving the filmy cobwebs of the law, disliking and disliked, he still continued unchanged in the frivolity of his pursuits, and unsubdued by the severity of the lessons he had been taught. His vicious propensities appear at last to have completely smothered all latent sparks of ambition, until he became nothing more than a living monument of his past history, — an old man whom nobody respected. The case is as singular as it is melancholy. We would fain not say of it so much as we are compelled to think. It is always painful to observe the latter days of any man of note passed without

the honor due to age and services ; and this, even when we are conscious that the cause is to be found in himself. Our pity for Burr is, perhaps, more than he himself would have thought to be called for. The solitary oak which stands for years, after the lightning has furrowed its stem and scathed its summit, turning it to decay, is not a more fitting emblem of desolation, than the moral vegetation of such a human being.

We have but a single word to add ; and this relates to his critical and literary judgment. With a mind possessing acute powers of reasoning, without any definite moral basis, it cannot be wondered at, that he should often be struck with the new rather than the true. Jeremy Bentham and Mary Wolstoncraft seem to have been the great authorities in politics and morals to which he bowed. Whether he borrowed from the former his definition of law, which we have already quoted, we do not know, or whether it was original with himself ; but, in either case, the scale of his moral development may be equally well understood. His letters to his daughter communicate little beyond the detail of his love affairs, and allusions to local and temporary matters. They are clearly written and vigorously expressed ; for Burr through life thought clearly, however fond of mystery in his actions. But they do not exalt him in our estimation. To sum up all, we think, after regarding him in every light, whether as an officer, a lawyer, a politician, or a citizen, we cannot agree with Mr. Davis in calling him a great man, and shall never think him to have been a good one. Nor can we wonder, that the pure and patriotic mind of Washington should have shrunk from contact with one so decidedly its opposite, or that he should have exercised his influence, in its whole extent, to prevent its evil influence upon our public affairs.

ART. VII. — *The Life and Character of the Reverend Samuel H. Stearns*. Second Edition. Boston : J. A. Stearns. 1839. pp. 252.

A BRIEF notice was taken of the “ Life and Select Discourses ” of Mr. Stearns in our number for July, 1838. The second edition of the work is wholly in the form of